

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN (DUBUQUE) DIVISION

UNITED STATES OF AMERICA,	)	No. 23-CR-01024
	)	
Plaintiff,	)	<b>INDICTMENT</b>
	)	
vs.	)	Count 1
	)	18 U.S.C. § 1343: Wire Fraud
DEZARAY ELIZABETH SEITZ,	)	
	)	
Defendant.	)	

The Grand Jury charges:

**Count 1**

**Wire Fraud**

COVID-19

1. According to the United States Centers for Disease Control and Prevention (“CDC”), Coronavirus Disease 2019 (“COVID-19”) is a respiratory illness that can spread from person to person. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into a 2019 outbreak in Wuhan, China. COVID-19 can attack human lungs and kill infected persons, especially those who have certain risk factors identified by the CDC.

2. On March 13, 2020, then-President Donald J. Trump issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (“the Emergency Proclamation”). The Emergency Proclamation noted that “on March 11, 2020, the World Health

Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.” Further, “[t]he spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems.”

### The Unemployment System During the Pandemic

3. The Social Security Act of 1935 initiated the unemployment insurance (“UI”) system, which is operated and managed by each state at the direction of the federal government, specifically, the United States Department of Labor (“DOL”). In the majority of states, benefit funding is based solely on a tax imposed on employers. However, DOL funds all substantive and administrative costs associated with each state’s UI system, which is run by a state agency in the respective state. The UI system is designed to provide benefits to persons who are out of work due to no fault of their own, and who meet other eligibility requirements of state laws.

4. Eligibility for UI, benefit amounts, and the length of time benefits are available is determined by individual state law. In all states, individual claimants must be eligible for employment and actively searching for employment while receiving UI benefits.

5. A claimant receives UI benefits by completing an application at a local “one-stop center,” by telephone, or online at each state’s website. A claimant must provide the claimant’s name, date of birth, social security number, home address, and other personal information. On a weekly or bi-weekly basis, the claimant then

files for weekly payment benefits by certifying that the claimant is unemployed, eligible for benefits, and is seeking employment.

6. The state agencies authorize their financial services sections to release UI funds in the form of either: (a) a state contracted debit card mailed to the applicant; (b) a direct deposit into a pre-paid debit card account; (c) a direct deposit into the claimant's designated bank account; (d) or in rare cases, some states will issue a check, if requested. From time to time, the UI deposits may be coded with identifiers showing the state of the UI claim's origin or the name of the individual associated with the UI claim whose identity is used to make the claims.

8. The CARES Act expanded states' ability to provide UI for many workers impacted by the COVID-19 pandemic, including for workers who are not ordinarily eligible for unemployment benefits. For example, the CARES Act created the Pandemic Unemployment Assistance ("PUA") program, under which states are permitted to provide PUA to individuals who are self-employed, seeking part-time employment, or otherwise would not qualify for regular UI compensation. The State of California participated in PUA through its Employment Development Department.

#### The Scheme to Defraud

6. Between about June 2020 and December 2020, in the Northern District of Iowa and elsewhere, defendant DEZARAY ELIZABETH SEITZ and others known and unknown to the grand jury did voluntarily and intentionally (1) participate in a scheme and artifice to defraud with knowledge of its fraudulent

nature and (2) obtain the money and property by means of false and fraudulent pretenses, representations, and promises (collectively, “the scheme to defraud”).

Manner and Means of the Scheme to Defraud

7. It was a part of the scheme to defraud that, on or about June 9, 2020, the personal identifying information of DEZARAY ELIZABETH SEITZ, including her name, date of birth, social security number, and State of Texas Driver’s License, was submitted to the State of California in an application for UI benefits in defendant’s name. The application contained false and fraudulent statements and representations, including that (1) defendant was a “[f]ull time photographer” and a “commercial photographer”; (2) the nature of defendant’s photography business was “[f]reelance” and “[t]ourist, graduations and people looking to get the best photos in California follow my social media”; and (3) “[t]here was a shelter in place and I cannot currently provide my photography work.” In truth, defendant never had lived in California, never had worked in California, and was not a full-time, commercial photographer. Based on these false and fraudulent statements and representations, however, the State of California approved the application.

8. Between June 12, 2020, and December 6, 2020, the State of California electronically deposited UI funds, specifically PUA, for the benefit of defendant DEZARAY ELIZABETH SEITZ onto a prepaid debit card ending in 1043. Bank-1, which is headquartered in the State of North Carolina and processes debit card transactions electronically through servers in the States of Virginia and Colorado, issued the debit card at the direction of the State of California via mail to a

residential address in Galena, Illinois. It part of the scheme to defraud that, after receiving the prepaid debit card ending in 1043 in the State of Illinois, defendant would withdraw funds and make expenditures in the Northern District of Iowa and elsewhere via electronic means.

9. As a consequence of the scheme to defraud, the State of California expended more than \$18,000 in UI funds, specifically PUA, on the false and fraudulent premise that defendant was an out-of-work California photographer.

Execution of the Scheme to Defraud

10. For the purpose of executing and attempting to execute the above-described scheme and artifice to defraud and to obtain property and money by means of false and fraudulent pretenses and representations, defendant DEZARAY ELIZABETH SEITZ knowingly caused to be transmitted by means of wire in interstate commerce, the following writings, signs, signals, pictures, or sounds:

On or about June 22, 2020, defendant DEZARAY ELIZABETH SEITZ withdrew \$4,000 from the prepaid debit card ending in 1043 at the Dubuque Diamond Jo Casino, in Dubuque, Dubuque County, Iowa, within the Northern District of Iowa, by means of a cash advance processed electronically through Bank-

1.

11. This was in violation of Title 18, United States Code, Section 1343.

A TRUE BILL

Grand Jury Foreperson 09-20-2023  
Date

TIMOTHY T. DUAX  
Acting United States Attorney

By: 

TIMOTHY L. VAVRICEK  
Assistant United States Attorney

PRESENTED IN OPEN COURT  
BY THE  
FOREMAN OF THE GRAND JURY

And filed 9/20/2023  
PAUL DE YOUNG, CLERK